

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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STEVEN G. WICKS and GERALD A.	:	
KALBFLEISCH,	:	
	:	
Plaintiffs,	:	Civil Action
	:	No. 04-10988-GAO
v.	:	
	:	
PUTNAM INVESTMENT MANAGEMENT,	:	ORAL ARGUMENT
LLC and PUTNAM RETAIL MANAGEMENT,	:	<u>REQUESTED</u>
LLP,	:	
	:	
Defendants.	:	
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DEFENDANTS' MOTION TO DISMISS THE COMPLAINT

Defendants Putnam Investment Management, LLC and Putnam Retail Management Limited Partnership hereby move to dismiss the above-captioned action pursuant to Rules 12(b)(6) and 41(a)(1) of the Federal Rules of Civil Procedure. The grounds for this motion are set forth in the accompanying memorandum.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), defendants respectfully request oral argument on this motion.

CERTIFICATION UNDER LOCAL RULE 7.1(A)(2)


I, James R. Carroll, hereby certify that on August 12, 2004, counsel for defendants conferred with opposing counsel in an attempt to resolve the issues raised by this motion.

Dated: August 13, 2004
Boston, Massachusetts

Respectfully submitted,

Of Counsel:

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*Attorneys for Putnam Investment Management, LLC
and Putnam Retail Management, LP*

CERTIFICATE OF SERVICE

I, James R. Carroll, hereby certify that on August 13, 2004, I caused a true copy of the foregoing document to be served by first class mail, postage prepaid, upon David E. Marder, Esq., Marc N. Henschke, Esq., Jonathan D. Mutch, Esq., Robins, Kaplan, Miller & Ciresi LLP, 111 Huntington Avenue, Boston, MA 02199.

Dated: August 13, 2004


James R. Carroll